



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 1.3.49	Subject: VEHICLE OPERATIONS
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3 and Attachments
Section 3: Human Resources Bureau	Effective Date: April 1, 1997
Signature: /s/ Mike Ferriter, Director	Revision Dates: 01/07/99; 05/28/99; 03/01/02; 07/26/06

I. POLICY

The Department of Corrections will lease and own vehicles for the conduct of Department business.

II. APPLICABILITY

All Department divisions, facilities, and programs.

III. REFERENCES

- A. 2-17-401 through 2-17-432; *Montana Code Annotated*
- B. 2.6.201-214; *Administrative Rules of Montana, State Vehicle Use*
- C. 26 CFR, 1.61-21(f)(3) – (*Internal Revenue Service Regulation*)

IV. DEFINITIONS

Authorized Drivers of State Vehicles – include:

- Department employees conducting business on behalf of the state;
- authorized passengers relieving authorized drivers due to illness, fatigue, or other physical or mental incapacity;
- aides for disabled employees subject to the prior written approval of the Department director;
- independent contractors or temporary employment agency employees contracting with the state when a state employee is not available, and subject to the prior written approval of the Department director.

Authorized Passengers – in a state vehicle include:

- Department employees;
- independent contractors, guests, or clients conducting business on behalf of the state;
- aides to disabled employees;
- persons rendering or in need of assistance during a medical or other life-threatening emergency;
- nursing infants of any authorized driver or passenger.

Authorized Uses of State Vehicles include:

- parking a vehicle overnight at the home of a departmental employee in order to begin travel the next day;
- obtaining food, necessities, and lodging while in travel status;
- responding to medical or other life-threatening emergencies;
- conducting after-hours personal business, recreation, or leisure, within a 30-mile radius of the Department employee's lodging when required to stay overnight at a location other than the established work location.

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Bona fide Non-compensatory Business Reason – When the employee is required, as a part of his or her duties, to be immediately available to respond to emergencies that may involve injury to persons or property, or to prevent or investigate crimes, execute search warrants and make arrests, and regularly carry firearms as authorized by law.

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the facility or program operation and management.

V. DEPARTMENT DIRECTIVES

A. Use of a Vehicle

1. Employees requiring the use of a vehicle to travel for Department business must use Department or State Motor Pool vehicles unless circumstances justify the use of a personal vehicle. Use of personal vehicles will, on a case by case basis, require prior written approval of an appropriate supervisor and completion of the Request to Use Personal Vehicle and Waiver form (see Attachment B).
2. Any exception to authorized drivers, passengers and/or uses requires the prior written approval of the Risk Management and Tort Defense Division.

B. Safety Requirements

1. All persons requiring use of a state or personal vehicle for department business will complete and submit the Vehicle Use Agreement and remain under a continuing obligation to update the information contained therein (see Attachment A).
2. Each administrator will designate personnel responsible for assuring that Vehicle Use Agreements for employees who operate Department vehicles are filed and maintained in each employee's personnel file.
3. The accumulation of conviction points for driving infractions as provided in Rule 2.6.205, Administrative Rules of Montana, may prohibit a person from driving a state vehicle or personal vehicle for state business. Additionally, the Department may restrict persons from driving state vehicles when it is determined from means other than the accumulation of conviction points that the person is an unsafe driver (see Attachment A).
4. No person may operate any vehicle for state business while under the influence of alcohol, illegal drugs, improperly used prescription drugs, or properly used prescription drugs that affect the person's ability to safely operate the vehicle.
5. No person may have an alcoholic beverage container in a state-owned, leased, or loaned vehicle.
6. All persons must use installed seat belts at all times and lock the vehicle when left parked.
7. Smoking is prohibited in a state-owned vehicle.
8. The use of handheld cell phones or other electronic communications devices or objects while operating any vehicle on state business is strongly discouraged.

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C. Record-keeping Requirements

1. Employees must report any conviction of a driving violation incurred while driving a state vehicle, or a personal vehicle for state business, to the employee's supervisor within 10 days of the conviction.
2. Employees must promptly report all accidents they have while operating a state vehicle, or a personal vehicle for business purposes, to the appropriate law enforcement authorities. The employee must complete a Vehicle Accident Report, located in the glove compartment of state vehicles.

D. Assigned Vehicles

1. Employees may be required, for bona fide non-compensatory business reasons, to commute to and/or from work in a state owned vehicle. Vehicle assignments to employees on a 24-hour, seven-day-a-week basis are made at the discretion of the administrator.
2. Employees whose duties require frequent travel and/or use of a non-traditional vehicle such as a four-wheel drive truck or one specially equipped or marked, may request an assigned vehicle as provided in *DOC Policy 1.2.18, Fleet Vehicle Management*. When a vehicle is not used as defined in "bona fide non-compensatory business reason" (IV. Definitions, p.2), it will be parked at the work location and not taken home except for travel as allowed under "Authorized Uses of State Vehicles," (p.1) for non-assigned vehicles.
3. Employees assigned vehicles on a 24-hour, seven-day-a-week basis will be taxed on \$3.00 per day non-cash compensation for each day commuted to and from work, in accordance with 26 CFR ss 1.61-21(f)(3).

E. Disciplinary Actions

1. Any supervisor who becomes aware of any violation of this policy by an employee they supervise will take appropriate disciplinary action in accordance with the state disciplinary policy or applicable collective bargaining agreement.

F. Offender Use of State Vehicles

1. Facilities or programs requiring offender use of state vehicles must develop procedures authorizing such use.

VI. CLOSING

Questions concerning this policy should be directed to the appropriate administrator.

VII. ATTACHMENTS

Vehicle Use Agreement – Sample Format	(Attachment A)
Request to Use Personal Vehicle & Waiver	(Attachment B)



STATE OF MONTANA DEPARTMENT OF CORRECTIONS

VEHICLE USE AGREEMENT

I, _____ (PRINT NAME), in the conduct of Department of Corrections business, may be required to use a state-owned or leased or personal vehicle. I agree as a condition of my employment, to use such vehicle in a manner prescribed by Department policy, and all applicable statutes, rules, and regulations as they currently exist or may be amended.

I currently have a valid, unrestricted driver's license issued to me by the State of Montana and agree that if I am required to drive a vehicle for Department business, I will have a valid and current license to operate the vehicle.

I have been convicted in the past 36 months of the following motor vehicle violations or traffic offenses (PLEASE SPECIFY LOCATION IF OUTSIDE THE STATE OF MONTANA):

OFFENSE: _____	DATE: _____
OFFENSE: _____	DATE: _____
OFFENSE: _____	DATE: _____

(LIST OTHERS ON ADDITIONAL PAGES IF NECESSARY.)

I understand that the accumulation of conviction points for driving infractions as provided in Administrative Rule of Montana 2.6.205 may prohibit me from driving a vehicle for Department business. I agree to update the Department with the information requested or elicited by this form, and to report driving infraction convictions incurred while driving a vehicle on Department business within 10 days of the conviction. I understand that I may be disciplined (in the case of employees) or be held in breach of contract (in the case of contractors) for providing false information requested by this form or by failing to comply with this Agreement.

SIGNATURE OF DRIVER: _____ **DATE:** _____



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REQUEST TO USE PERSONAL VEHICLE & WAIVER

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I, _____ (PRINT NAME), understand that the Department leases and owns vehicles for use by employees to conduct Department business. However, I request authorization to use my personal vehicle for the following reasons:

In consideration of the Department's agreement to allow me to use my personal vehicle, I agree to accept responsibility for any loss, damage, or injury to my personal vehicle that is not the result of fraud, willful injury to a person or property, or the willful or negligent violation of a law by an offender, trustee, employee or agent of the Montana Department of Corrections. *Further, I also understand that my private insurance may not cover the business use of my vehicle.*

SIGNATURE OF EMPLOYEE: _____ **DATE:** _____

ADMINISTRATOR NAME (PRINT):

CIRCLE ONE:

APPROVED

DENIED

SIGNATURE: _____ **DATE:** _____